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6   UNITED STATES DISTRICT COURT

7   NORTHERN DISTRICT OF CALIFORNIA

8   SAN JOSE DIVISION

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ADAPTIX, INC.,)) Plaintiff,)) v.)) SONY MOBILE COMMUNICATIONS, INC.,) et al.,)) Defendants.))	Case No. 5:14-cv-01385-PSG **ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY** **(Re: Docket No. 177)**
ADAPTIX, INC.,)) Plaintiff,)) v.)) KYOCERA CORPORATION, et al.,)) Defendants.))	Case No. 5:14-cv-02894-PSG **ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY** **(Re: Docket No. 185)**
ADAPTIX, INC.,)) Plaintiff,)) v.)) KYOCERA CORPORATION, et al.,)) Defendants.))	Case No. 5:14-cv-02895-PSG **ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY** **(Re: Docket No. 192)**

United States District Court
For the Northern District of California

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Case Nos. 5:14-cv-01385-PSG; -02894; -02895; 5:15-cv-00165-PSG; -00166; -00167; -00168
ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY

United States District Court
For the Northern District of California

1	ADAPTIX, INC.,	) Case No. 5:15-cv-00165-PSG
2	Plaintiff,	) **ORDER DENYING MOTION FOR**) **LEAVE TO CONDUCT THIRD-**) **PARTY DISCOVERY**
3	v.	)
4	ZTE CORPORATION, et al.,	) **(Re: Docket No. 268)**
5	Defendants.	)
6	ADAPTIX, INC.,	) Case No. 5:15-cv-00166-PSG
7	Plaintiff,	) **ORDER DENYING MOTION FOR**) **LEAVE TO CONDUCT THIRD-**) **PARTY DISCOVERY**
8		)
9	v.	) **(Re: Docket No. 266)**
10	ZTE CORPORATION, et al.,	)
11	Defendants.	)
12	ADAPTIX, INC.,	) Case No. 5:15-cv-00167-PSG
13	Plaintiff,	) **ORDER DENYING MOTION FOR**) **LEAVE TO CONDUCT THIRD-**) **PARTY DISCOVERY**
14	v.	)
15	ZTE CORPORATION, et al.,	) **(Re: Docket No. 260)**
16	Defendants.	)
17	ADAPTIX, INC.,	) Case No. 5:15-cv-00168-PSG
18	Plaintiff,	) **ORDER DENYING MOTION FOR**) **LEAVE TO CONDUCT THIRD-**) **PARTY DISCOVERY**
19	v.	)
20	ZTE CORPORATION, et al.,	) **(Re: Docket No. 222)**
21	Defendants.	)
22		)

23   Before the court is a motion by Adaptix, Inc., Plaintiff in each of these related cases.

24 Adaptix seeks leave to conduct discovery on non-party Qualcomm Incorporated after the close of

25 fact discovery.[1] Adaptix has since confirmed that further discovery in most of these cases—the

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27 [1] *See* Case No. 14-1385, Docket No. 177; Case No. 14-2894, Docket No. 185; Case No. 14-2895, Docket No. 192; Case No. 15-0165, Docket No. 268; Case No. 15-0166, Docket No. 266; Case No.

28 15-0167, Docket No. 260; Case No. 15-0168, Docket No. 222.

1 ones involving Defendants Sony Mobile Communications, Inc. and ZTE Corporation[2]—is

2 unwarranted because the cases are likely to settle or be dismissed.[3] The only remaining issue,

3 therefore, is whether third-party discovery is justified in the two cases involving Defendant

4 Kyocera Corporation.[4]

5   Adaptix acknowledges that its subpoenas to Qualcomm in the Kyocera cases did not

6 request that Qualcomm produce any source code. Although Adaptix characterizes this as an

7 associate's oversight, Adaptix did not correct the mistake in the several months after it issued the

8 subpoena in July. There is no process by which the court may order further discovery under Fed.

9 R. Civ. P. 45. The motion is DENIED.

10 **SO ORDERED.**

11 Dated: November 12, 2015

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Paul S. Grewal
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PAUL S. GREWAL
United States Magistrate Judge

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[2] *See* Case No. 14-1385; Case No. 15-0165; Case No. 15-0166; Case No. 15-0167; Case No. 15-0168.

[3] *See* Case No. 14-1385, Docket No. 186; Case No. 14-2894, Docket No. 188; Case No. 14-2895, Docket No. 196; Case No. 15-0165, Docket No. 279; Case No. 15-0166, Docket No. 273; Case No. 15-0167, Docket No. 267; Case No. 15-0168, Docket No. 229.

[4] *See* Case No. 14-2894; Case No. 14-2895.

Case Nos. 5:14-cv-01385-PSG; -02894; -02895; 5:15-cv-00165-PSG; -00166; -00167; -00168
ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY